

House of Representatives

File No. 1004

General Assembly

January Session, 2009

(Reprint of File No. 553)

Substitute House Bill No. 6435 As Amended by House Amendment Schedule "A"

Approved by the Legislative Commissioner May 28, 2009

AN ACT CONCERNING ELECTION DAY REGISTRATION AND PRESIDENTIAL BALLOT PROCEDURES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (Effective October 1, 2009) (a) As used in this
- 2 section, "election day" means the day on which a regular election, as
- 3 defined in section 9-1 of the general statutes, or primary is held.
- 4 (b) Notwithstanding the provisions of chapter 143 of the general
- 5 statutes, a person who (1) is not an elector, and (2) meets the eligibility
- 6 requirements under subsection (a) of section 9-12 of the general
- 7 statutes, may apply for admission as an elector on election day.
- 8 (c) (1) The registrars of voters shall have the authority to designate a
- 9 location for the completion and processing of election day registration
- 10 applications on election day, provided such location shall enable the
- 11 registrars of voters to access the state-wide centralized voter
- 12 registration system. Such registrars of voters may appoint one or more
- 13 election officials to serve at such location and may delegate to such
- 14 election officials any of the responsibilities assigned to the registrars of

voters. The registrars of voters shall train and supervise such election day registration election officials. Any such location designated by the registrars of voters shall comply with section 9-168d of the general statutes and shall provide the same opportunity for access and participation, including privacy and independence, for all voters.

- (2) No person shall solicit in behalf of or in opposition to the candidacy of another or himself or in behalf of or in opposition to any question being submitted at the election or primary, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to the registrars of voters designated location for election day registration balloting or in any corridor, passageway or other approach leading from any such outside entrance to such registrars of voters designated location or in any room opening upon any such corridor, passageway or approach.
- (d) Any such application shall be made in accordance with the provisions of section 9-20 of the general statutes, provided (1) on election day, the applicant shall appear in person at the location designated by the registrars of voters for election day registration, (2) an applicant who is a student enrolled at an institution of higher education may submit a current photo identification card issued by said institution in lieu of the identification required by section 9-20 of the general statutes, and (3) the applicant shall declare under oath that the applicant has not previously voted in the election or primary, as applicable. If the information that the applicant is required to provide under section 9-20 of the general statutes and this section does not include proof of the applicant's residential address, the applicant shall also submit identification that shows the applicant's bona fide residence address, including, but not limited to, a United States passport, a learner's permit or a utility bill that has the applicant's name and current address and is due not later than thirty days after the election or primary, as applicable or, in the case of a student enrolled at an institution of higher education, a registration or fee statement from such institution that has the applicant's name and

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current address. The registrars of voters shall check the state-wide centralized voter registration system before admitting an applicant as an elector. If the registrars of voters determine that an applicant is qualified to register as an elector, the registrars of voters shall admit the applicant as an elector and privileges shall attach immediately.

- (e) Notwithstanding the provisions of section 9-21 of the general statutes, in the event such applicant is an elector in another municipality and such applicant states that he or she wants to change the municipality in which the applicant is an elector, the registrars of voters of the municipality in which such elector now seeks to register shall immediately notify the registrars of voters in such other municipality that such elector is changing the municipality in which the applicant is an elector. The registrars of voters in such other municipality shall immediately notify the election officials in such other municipality to remove such elector from the official voter list of such other municipality. Such election officials shall cross through the elector's name on such official voter list and mark "off" next to such elector's name on such official voter list. If it is reported that such applicant already voted in such other municipality, the registrars of voters of such other municipality shall immediately notify the registrars of voters of the municipality in which such elector now seeks to register. In such event, such elector shall not receive an election day registration ballot from the registrars of voters of the municipality in which such elector now seeks to register. For any such elector, the election day registration process shall cease in the municipality in which such elector now seeks to register and such matter shall be reviewed by the registrars of voters in the municipality in which such elector now seeks to register. After completion of such review, if a resolution of the matter can not be made, such matter shall be reported to the State Elections Enforcement Commission which shall conduct an investigation of the matter.
- (f) If the applicant is admitted as an elector, the registrars of voters shall provide the elector with an election day registration ballot and security envelope, subject to the provisions of section 9-59, of the

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83 general statutes and shall make a record of such issuance. The elector

- shall complete an affirmation imprinted upon the back of the envelope
- 85 for an election day registration ballot and shall declare under oath that
- 86 the applicant has not previously voted in the election or primary, as
- 87 applicable. The affirmation shall be in the form substantially as follows
- 88 and signed by the voter:
- 89 AFFIRMATION: I, the undersigned, do hereby state, under penalty
- 90 of false statement, (perjury) that:
- 91 1. I am the person admitted here as an elector in the town indicated.
- 92 2. I am eligible to vote in the election or primary indicated for today
- 93 in the town indicated.
- 3. The information on my voter registration card is correct and
- 95 complete.
- 4. I reside at the address that I have given to the registrars of voters.
- 97 5. If previously registered at another location, I have provided such
- 98 address to the registrars of voters and hereby request cancellation of
- 99 such prior registration.
- 6. I have not voted in person or by absentee ballot and I will not
- vote otherwise than by this ballot at this election or primary.
- 7. I completed an application for an election day registration ballot
- and received an election day registration ballot.
- 104 (Signature of voter)
- 105 (g) The elector shall forthwith mark the election day registration
- 106 ballot in the presence of the registrars of voters in such a manner that
- 107 the registrars of voters shall not know how the election day
- 108 registration ballot is marked. The elector shall place the election day
- 109 registration ballot in the election day registration ballot envelope
- 110 provided, and deposit such envelope in a secured election day

registration ballot depository receptacle. The registrars of voters shall transport such receptacle to the area where such election day registration ballots shall be counted. At the time designated by the registrars of voters and noticed to election officials, the election day registration ballots issued pursuant to this section shall be delivered to the area, either district or central, where absentee ballots are counted and such election day registration ballots shall be counted by the election officials present at such location. A section of the head moderators return shall show the number of election day registration ballots received from electors. The registrars of voters shall seal a copy of the votes cast on election day registration ballots in the depository envelope with the election day registration ballots and store such election day registration envelope with the other election results materials. The election day registration depository envelope shall be preserved by the registrars of voters for the period of time required to preserve counted ballots for elections.

- (h) The provisions of the general statutes and regulations concerning procedures relating to the custody, control and counting of absentee ballots shall apply as nearly as possible, to the custody, control and counting of election day registration ballots under this section.
- (i) After the acceptance of an election day registration, the registrars of voters shall forthwith send a registration confirmation notice to the residential address of each applicant who is admitted as an elector on election day under this section. Such confirmation shall be sent by first class mail with instructions on the envelope that it be returned if not deliverable at the address shown on the envelope. Notwithstanding the May first deadline contained in section 9-35 of the general statutes, if a confirmation notice is returned undelivered, the registrars of voters shall investigate and shall take the necessary action in accordance with sections 9-35 or 9-43 of the general statutes, as applicable.
- Sec. 2. Section 9-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(a) For the purposes of this section, "primary day" means the day that a primary for state, district and municipal offices is being held in accordance with section 9-423, and "election day" means the day of each regular election. (1) The registrars of voters of each town shall hold sessions to examine the qualifications of electors and admit those found qualified on the dates and at the times set forth in this section. Such sessions shall be held on the following days during the hours indicated, except as provided in subdivision (2) of this subsection:

T1	Day	Hours
T2	Fourteenth day	
Т3	before primary day	any two hours between
T4		5:00 p.m. and 9:00 p.m.
T5	Saturday of third week	
T6	before election day	10:00 a.m. to 2:00 p.m.
T7	Seventh day	
T8	before election day	9:00 a.m. to 8:00 p.m.

- The session of the registrars of voters on the seventh day before election day shall be the last regular session for the admission of electors prior to an election, as defined in subsection (y) of section 9-1.

 (2) No town having a population of less than twenty-five thousand persons shall be required to hold sessions for admission of electors on the fourteenth day before primary day.
 - [(b) Notwithstanding the provisions of subsection (a) of this section, the registrars of voters shall hold a limited session on the last week day before each regular election from nine o'clock a.m. to twelve o'clock noon for the purpose of admitting only those persons whose qualifications as to age, citizenship or residence in the municipality were attained after the last session for the admission of electors prior to an election. The registrars shall enter the names of those electors admitted at such limited session on the proper list, with their residences by street and numbers, if any, before one o'clock p.m. of such last week day before the election.]

168 [(c)] (b) In addition to the sessions held pursuant to [subsections (a) 169 and (b) subsection (a) of this section, the registrars of voters in each 170 town shall hold one session each year, between the first of January and 171 the last day of the school year, at each public high school in such town, 172 for the admission of persons who are eligible for admission under 173 subsection (a) or (b) of section 9-12, provided, in the case of a public 174 high school in a regional school district, such session shall be held on a 175 rotating basis by the registrars of voters for each town which is a 176 member of the regional school district. The registrars of voters need 177 not give notice of this session by publication in a newspaper.

- Sec. 3. Section 9-158a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
- 180 As used in sections 9-139c, 9-140b, 9-158a to 9-158m, inclusive, <u>as</u> 181 amended by this act, and 9-307:
- (1) "Federal election" means any general or special election or any primary held solely or in part for the purpose of selecting, nominating or electing any candidate for the office of President, Vice President, presidential elector, member of the United States Senate or member of the United States House of Representatives;
- (2) "Former resident" means a person who was a bona fide resident of a town in this state and who has [removed] moved from that town to another state less than thirty days before the day of a presidential election and who for that reason is unable to register to vote in the election in [his] such person's present town or state of residence;
- 192 (3) "Overseas elector" means any person permitted to vote pursuant 193 to subsection (b) of section 9-158b;
- 194 (4) "Presidential election" means an election at which electors of 195 President and Vice-President are elected;
- 196 (5) "Resident" means a bona fide resident of a town in this state;
- (6) "State" includes any of the several states, the District of sHB6435 / File No. 1004

198 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin

- 199 Islands; and
- 200 (7) "United States" includes the several states, the District of
- 201 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin
- 202 Islands, but does not include American Samoa, The Canal Zone, the
- 203 trust territory of the Pacific Islands or any other territory or possession
- of the United States.
- Sec. 4. Subsection (a) of section 9-158b of the general statutes is
- 206 repealed and the following is substituted in lieu thereof (Effective
- 207 October 1, 2009):
- 208 (a) Each citizen of the United States who is at least eighteen years of
- age, is a [resident or] former resident and [who] has not forfeited [his]
- 210 such citizen's electoral privileges because of a disfranchising crime,
- 211 may vote for presidential and vice-presidential electors, but for no
- other offices, in the town in this state in which [he resides, or] such
- 213 <u>citizen</u> formerly resided in the manner provided in sections 9-158c to 9-
- 214 158m, inclusive, as amended by this act.
- Sec. 5. Subsections (a) and (b) of section 9-158c of the general
- 216 statutes are repealed and the following is substituted in lieu thereof
- 217 (*Effective October 1, 2009*):
- (a) [(1)] Not earlier than forty-five days before the election and not
- 219 later than the close of the polls on election day, each [resident, or]
- 220 former resident who desires to vote in a presidential election under
- sections 9-158a to 9-158m, inclusive, as amended by this act, may apply
- for a "presidential ballot" to the [municipal clerk] registrars of voters of
- 223 the town in which [he] such former resident is qualified to vote on the
- form prescribed in section 9-158d, as amended by this act. Application
- for a "presidential ballot" may be made in person or absentee, in the
- 226 manner provided for applying for an absentee ballot under section 9-
- 227 140, except as provided in said sections 9-158a to 9-158m, inclusive, as
- 228 amended by this act.

229 [(2) A municipal clerk shall have the authority to designate a 230 location in a municipal facility for the distribution, completion and 231 processing of presidential ballot applications and the distribution, 232 casting and return of presidential ballots under sections 9-158a to 9-233 158m, inclusive, on election day. Such municipal clerk may appoint 234 one or more presidential ballot assistants to serve at such location, may 235 delegate to such assistants any of the responsibilities assigned to 236 municipal clerks under said sections, and shall train and supervise 237 such presidential ballot assistants.]

- 238 (b) Each overseas elector who desires to vote in a federal election 239 under subsection (b) of section 9-158b may apply for an overseas ballot 240 not earlier than (1) the forty-fifth day preceding a federal election 241 which is a general election or a general election held in conjunction 242 with a special election, and (2) the thirtieth day preceding a federal 243 election which is a primary or a federal election which is a special 244 election not held in conjunction with a general election. Application 245 shall be made to the town clerk of the municipality in which [he] the 246 <u>elector</u> is so qualified to vote on a form prescribed in subsection (b) of 247 section 9-158d.
- Sec. 6. Subsection (a) of section 9-158d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- (a) The application for a presidential ballot shall be a form signed in duplicate by the applicant under penalty of false statement in absentee balloting, which shall provide substantially as follows:
- To the [Town Clerk] <u>Registrars of Voters</u> of the Town of, Connecticut
- I, the undersigned, declare under penalty of false statement in absentee balloting that the following statements are true:
- 258 1. I am a citizen of the United States.

259 2. I have not forfeited my electoral privileges because of conviction of a disfranchising crime.

- 3. I was born on, and on the day of the next presidential election,
- 262 I shall be at least 18 years of age. [Check and complete 4 or 5,
- 263 whichever applies:]
- 264 [4. RESIDENT. I am a bona fide resident of the above town, to
- 265 which I am making this application, and I reside at Street. I moved
- to said town on the day of, 20... Before becoming a resident of
- said town, I resided at Street, in the Town of County of, State
- 268 of]
- [5. FORMER RESIDENT.] 4. I am a former resident of the above
- 270 town, to which I am making this application, and resided at Street
- 271 therein. I moved from such town to my present town and state of
- 272 residence on the day of, 20.., being within thirty days before the
- 273 date of the next presidential election, and for that reason I cannot
- 274 register to vote in said presidential election in my present town and
- 275 <u>state</u> of residence. I am now a bona fide resident of the Town of, in
- 276 the state of, now residing at Street therein.
- [6.] <u>5.</u> I hereby apply for a "presidential ballot" for the election to be
- 278 held on, 20... I have not voted and will not vote otherwise than by
- 279 this ballot at that election. I am not eligible to vote for electors of
- 280 President and Vice-President [in any other town in Connecticut or] in
- any other state.
- [7.] <u>6.</u> The said ballot is to be given to me personally mailed to me at
- 283 (bona fide mailing address)
- 284 Dated at, this day of 20...
- 285 (Signature of applicant)
- Sec. 7. Subsection (a) of section 9-158e of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

- (a) A person applying for a presidential ballot in person shall present: (1) A current and valid photo identification, or (2) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. The application for a presidential ballot by mail shall be accompanied by: (A) A copy of a current and valid photo identification, or (B) a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name and address of the voter. Upon receipt of an application for a presidential ballot under sections 9-158a to 9-158m, inclusive, as amended by this act, the [clerk] registrars of voters, if satisfied that the application is proper and that the applicant is qualified to vote under said sections, shall forthwith give or mail to the applicant, as the case may be, a ballot for presidential and vice-presidential electors for use at the election and instructions and envelopes for its return. [At such time the clerks shall also mail a duplicate of the application to the appropriate official of (i) the state or the town in this state in which the applicant last resided in the case of an applicant who is a resident, or (ii) the state or the town in this state in which the applicant now resides in the case of an applicant who is a former resident.]
- Sec. 8. Section 9-158f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
 - (a) The voter, after marking his <u>or her</u> presidential ballot so as to express his <u>or her</u> choice, shall fold it so as to conceal the markings, and enclose it in an inner envelope furnished by the [town clerk] <u>registrars of voters</u> for such purpose. The envelope shall have imprinted upon its back a statement which shall be signed by the voter. The failure of the voter to date the statement shall not invalidate the ballot. Such statement shall be substantially as follows:

Certification of Presidential Voter

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319 I, the undersigned, do hereby state under the penalties of fals 320 statement in absentee balloting that:
321 (1) I am qualified to vote for Presidential and Vice-Presidentia 322 electors in the town of Connecticut, at the presidential election to b 323 held on November, 20
324 (2) I have not applied, nor do I intend to apply, for a ballot to vot 325 for Presidential and Vice-Presidential electors at said election from an 326 other town, city, county or state, and
(3) I have not voted, and I will not vote otherwise than by this balloin said presidential election.
329 Dated at, this day of 20
330 (Signature of voter
331 (b) The overseas elector, after marking his <u>or her</u> overseas ballot s 332 as to express his <u>or her</u> choice, shall fold it so as to conceal th 333 markings and enclose it in an inner envelope furnished by the town 334 clerk for such purpose. The envelope shall have imprinted upon it 335 back a statement which shall be signed by the elector. The failure of th 336 elector to date the statement shall not invalidate the ballot. Th 337 statement shall be substantially as follows:
338 Certification of Overseas Elector
I, the undersigned, do hereby state under the penalties of fals statement in absentee balloting that:
341 (1) I am qualified to vote for candidates for federal office in the town of, Connecticut, at the federal election to be held on, 20
343 (2) I have not applied, nor do I intend to apply, for a ballot to vot 344 for candidates for federal office at said election from any other town 345 city or county in Connecticut or in any other state or election district of
city or county in Connecticut or in any other state or election district of sHB6435 / File No. 1004

346 any state or territory or any territory or possession of the United States.

- (3) I have not voted, and I will not vote otherwise than by this ballotin said federal election.
- 349 Dated at, this day of, 20...

- 350 (Signature of overseas elector)
- Sec. 9. Section 9-158g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

The voter shall sign the certification upon the inner envelope, securely seal it, enclose it in an outer serially-numbered envelope, and return it to the [municipal clerk] town clerk or registrars of voters, as applicable, of the town in which [he] the voter is qualified to vote. [The clerk shall keep it in his office until delivered by him to the registrars of voters at the same time and in the same manner as is provided for absentee ballots.] If the ballot is returned by a person other than the voter or the United States Postal Service, the person delivering the ballot shall sign his or her name and address and the date and time of its delivery on the outer envelope in the [clerk's] town clerk's or registrars of voters', as applicable, presence. The ballot, to be cast, shall be returned so that it is received by the town clerk or registrars of voters, as applicable, not later than the close of the polls on the day of the election or primary.

Sec. 10. Section 9-158h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

The [clerk] registrars of voters shall prepare and keep open to public inspection a list of all persons who have applied under sections 9-158a to 9-158m, inclusive, to vote as presidential voters or overseas electors with their names, voting addresses and application dates together with the serial number of the return envelopes issued, and shall maintain an alphabetical index of the list for a period of one hundred eighty days after the election or primary. The town clerk shall provide any

376 information concerning overseas electors that the registrars of voters 377 require to prepare such list.

- 378 Sec. 11. Section 9-158i of the general statutes is repealed and the 379 following is substituted in lieu thereof (*Effective October 1, 2009*):
- 380 The Secretary of the State shall prepare, print and distribute to the 381 town clerk and registrars of voters, as appropriate, in each town in this 382 state, a sufficient number of ballots and other necessary forms to be 383 used by the persons eligible to vote for the offices of presidential 384 electors or federal offices under the provisions of sections 9-158a to 9-385 158m, inclusive. The words "Presidential Ballot" or "Overseas Ballot" 386 shall appear on each such ballot and no such ballot shall afford any 387 opportunity to vote for any office or officer except presidential electors 388 or federal offices. The Secretary of the State may make any changes in 389 any forms prescribed by, or provided for, in said sections which, in the 390 opinion of the secretary, are necessary to cause said forms to conform 391 to the provisions of applicable federal law.
- 392 Sec. 12. Section 9-158j of the general statutes is repealed and the 393 following is substituted in lieu thereof (*Effective October 1, 2009*):

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[Upon receipt of an application for a "Presidential Ballot" or "Overseas Ballot" the town clerk shall forthwith notify the registrars of voters of the applicant's name, with a notation designating him as a person voting for presidential and vice-presidential electors or federal offices only. If the name of a presidential voter who is a former resident appears on the registry list, the registrars shall insert the letters "pf" in the margin preceding his name. The registrars shall prepare a list of names and addresses of presidential voters and overseas electors whose names do not appear on the registry list, for each voting district, which list shall accompany the check list to be used at such election in such district. The registrars shall insert the letters "pf" in the margin of such list of presidential voters preceding the name of each applicant who is a former resident.]

(a) Upon receipt of a "Presidential Ballot", the registrars of voters 407 14

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shall insert the letters "pf" in the margin of the registry list preceding the elector's name and address.

- (b) Upon receipt of an "Overseas Ballot", the town clerk shall compile a list of those electors whose names do not appear on the registry list for each voting district. Such list shall accompany the official check list to be used at such election or primary where such ballots shall be counted in the district or central counting.
- Sec. 13. Section 9-158*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
- 417 Any person wilfully making a false statement on any statement 418 required by sections 9-158a to 9-158m, inclusive, to be made in the 419 form of an affidavit or a statement under penalties of false statement in 420 absentee balloting, shall be subject to the penalties imposed by law for 421 such statements. If any public official wilfully refuses or neglects to 422 perform any of the duties prescribed by sections [9-140b, 9-140c and] 9-423 158a to 9-158m, inclusive, or violates any of the provisions of said 424 sections, [he] such official shall be subject to the penalties imposed by 425 law.
- 426 Sec. 14. (NEW) (Effective October 1, 2009) Not later than February 1, 427 2010, the Secretary of the State shall report, in accordance with section 428 11-4a of the general statutes, to the joint standing committee of the 429 General Assembly having cognizance of matters relating to elections 430 on the administration of election day registration. Such report shall 431 address any issues or concerns regarding the administration of election 432 day registration during the November, 2009 municipal election, 433 including, but not limited to, ballot security and privacy. The Secretary 434 of the State, in consultation with the State Elections Enforcement 435 Commission, shall conduct interviews with registrars of voters, poll 436 workers and candidates from municipalities with small, medium and 437 large populations in order to determine the efficacy of election day 438 registration and include any concomitant observations and results in 439 such report, including, but not limited to, ways in which ballot security

and privacy on primary day can be enhanced.

Sec. 15. Section 9-158k of the general statutes is repealed. (Effective

442 October 1, 2009)

This act shall take effect as follows and shall amend the following						
sections:						
Section 1	<i>October 1, 2009</i>	New section				
Sec. 2	<i>October 1, 2009</i>	9-17				
Sec. 3	<i>October 1, 2009</i>	9-158a				
Sec. 4	<i>October 1, 2009</i>	9-158b(a)				
Sec. 5	October 1, 2009	9-158c(a) and (b)				
Sec. 6	from passage	9-158d(a)				
Sec. 7	from passage	9-158e(a)				
Sec. 8	October 1, 2009	9-158f				
Sec. 9	October 1, 2009	9-158g				
Sec. 10	October 1, 2009	9-158h				
Sec. 11	<i>October 1, 2009</i>	9-158i				
Sec. 12	October 1, 2009	9-158j				
Sec. 13	October 1, 2009	9-158 <i>l</i>				
Sec. 14	October 1, 2009	New section				
Sec. 15	October 1, 2009	Repealer section				

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Elect. Enforcement Com.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	STATE	Potential	Potential
_	MANDATE		
	- Cost		

Explanation

This bill allows certain people to register to vote on the day of an election, including primaries. The additional work required of registrars of voters and voting day personnel could result in a potential cost to some municipalities for temporary employees.

Same day registration for elections may result in increased complaints to the State Elections Enforcement Commission (SEEC), which may result in additional costs to the SEEC for more investigations.

House "A" strikes the language and the associated fiscal impact in the underlying bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis sHB 6435 (as amended by House "A")*

AN ACT CONCERNING ELECTION DAY REGISTRATION AND PRESIDENTIAL BALLOT PROCEDURES.

SUMMARY:

This bill allows certain people to register to vote on Election Day, the day a regular state or municipal election or primary is held. It establishes Election Day registration procedures.

It eliminates the requirement for registrars of voters to hold a voter registration session a week before each regular election. Under current law, registrars hold this session to admit people whose qualifications for becoming an elector were attained after the previous session.

It also eliminates the use of presidential ballots for state residents and shifts responsibilities for presidential (but not overseas) ballots from town clerks to registrars of voters.

The bill makes changes to the overseas balloting process. By law, members of the U.S. uniformed services and merchant marine, their family members, and U.S. citizens residing outside the country may vote by overseas ballot.

The bill requires the secretary of the state to submit a report on the administration of Election Day registration to the Government Administration and Elections (GAE) Committee by February 1, 2010.

Lastly, the bill makes technical and conforming changes.

*House Amendment "A" (1) allows people to register and vote on the day of a primary; (2) changes the process for voting on Election Day established by the original bill by eliminating the process of

voting by verifiable ballot, allowing electors to cast their own ballots, and providing for the custody, control and counting of Election Day ballots; (3) adds the provisions on voter registration session and Election Day registration report; and (4) makes changes to the overseas balloting process.

EFFECTIVE DATE: October 1, 2009, except that the provisions on the contents of the presidential ballot application form and the process upon receipt of a ballot application are effective upon passage.

ELECTION DAY REGISTRATION

Location and Officials

The bill requires applicants to appear in person at a location the registrars of voters designate for completing and processing Election Day registration applications. The location must (1) allow registrars to access the statewide centralized voter registry system; (2) comply with state law on handicapped accessibility; and (3) provide all voters with the same opportunity for access and participation, including privacy and independence.

The bill prohibits certain activities near the location. Specifically, no one can be within 75 feet of the entrance to the polling place or in any hallway or other approach to it in order to solicit support for or opposition to a candidate (himself or another) or a ballot question, loiter, peddle, or offer advertising material or circulars. These same activities are prohibited in or near polling places.

The bill permits the registrars of voters to appoint one or more election officials to serve at the location and delegate to the official(s) any of the responsibilities assigned to the registrars. The registrars must train and supervise the officials.

Eligibility

The bill permits anyone to register and vote in person on Election Day if he or she (1) is not an elector (i.e., registered voter) and (2) meets the eligibility requirements for voting in this state.

Application

The bill requires Election Day registration applicants to provide the same information as people who apply for registration before this date. This means they must state under penalty of perjury (1) their name, bona fide street address, date of birth, and citizenship; (2) whether they are disenfranchised because of a criminal conviction; and (3) whether they were previously registered to vote in another town in the state. They must present their birth certificate, driver's license, or Social Security card to the admitting official for inspection. The bill requires the applicant to declare under oath that he or she has not previously voted in the election.

If the applicant's ID does not include proof of his or her residential address, he or she must submit a U. S. passport, military ID card, learner's permit, utility bill due within 30 days after the election, or current college registration or fee statement that includes his or her name and current address. The bill allows college students to present their student photo ID in lieu of the identification currently required by law.

The registrars of voters must check the statewide voter registry before admitting an applicant as an elector. If the registrars determine that an applicant is qualified to register as an elector, they must admit him or her and election-related privileges attach immediately. If the registrars determine that the applicant is registered in another town but states a desire to change his or her town of registration, the registrars must immediately notify the registrars in the town of registration of this intention and request that they remove the elector's name from the official registry list. The election officials in the town of registration must cross through the elector's name on the list and mark "off" next to it.

If the registrars learn that the applicant has already voted in the prior municipality, they must deny him or her an Election Day registration ballot, cease the Election Day registration process, and review the matter. If the matter cannot be resolved on review, the

registrars must report it to the State Election Enforcement Commission (SEEC) for an investigation.

Voting by Qualified Applicants

The registrars of voters must give a voting ballot and security envelope to applicants that they admit as electors and record the issuance. The elector must sign an affirmation that must be printed on the back of the security envelope.

The applicant must affirm, under penalty of false statement, that he or she:

- 1. is the person admitted as an elector in a specified town;
- 2. is eligible to vote in the election or primary taking place in the specified town;
- 3. included correct and complete information on his or her voter registration card;
- 4. lives at the address given to the registrars of voters;
- 5. if previously registered, gave the registrars the address in the city of registration and request that the cancellation of the prior registration;
- 6. has not voted and will not otherwise vote during the election or primary; and
- 7. has completed an application for and received an Election Day registration ballot.

The penalty for a false statement is up to one year in prison, a \$2,000 fine, or both.

The newly admitted elector must secretly mark the ballot in the presence of the registrars, place it in the security envelope, and deposit the envelope in a secured Election Day registration ballot depository

receptacle.

The procedures related to the custody, control, and counting of absentee ballots apply as nearly as possible to custody, control, and counting of Election Day registration ballots. Among other things, this means the registrars must transport the receptacle for ballot counting to the same area of the polling place or designated central location where absentee ballots are counted at the time designated by the registrars and noticed to election officials. It also means, (1) the election officials present at the location count the ballots; (2) a section of the head moderators must show the number of Election Day registration ballots cast; (3) the registrars must seal a copy of the votes cast in the depository envelope with the ballots and store the envelope with the other election results materials; and (4) the registrars must preserve the envelope for the same period of time required to preserve counted ballots for elections, 180 days after the election.

After accepting an Election Day registration, the registrars of voters must immediately send a confirmation by first-class mail to the residential address of each applicant admitted as an elector on Election Day. The registrars must ask that the confirmation be returned if it is not deliverable at the address shown. If it is returned undelivered, the registrars must take other actions required by law to verify the address; however, they may take the action at any time rather than by May 1st as currently required. If the address cannot be verified, the registrars place the elector's name on the inactive list and remove it from the list totally after four years unless the elector verifies it.

Report

The secretary of the state must submit a report to the GAE committee by February 1, 2010 that addresses any issues or concerns regarding Election Day registration, including ballot security and privacy, during the November 2009 municipal election. The secretary of the state, in consultation with SEEC, must interview registrars of voters, poll workers, and candidates from towns with small, medium, and large populations to determine the efficacy of Election Day

registration. They must include observations and results in the report, including ways to enhance ballot security and privacy on primary day.

PRESIDENTIAL BALLOTS

Current law allows unregistered Connecticut residents and former state residents who move to another state after its deadline to register to apply for a presidential ballot and vote for candidates for president and vice-president, but no other offices. The bill eliminates the provision allowing Connecticut residents to vote by presidential ballot, leaving the procedures in place only for former state residents. Under the bill, unregistered state residents would instead follow the Election Day registration procedures.

With one exception, the application and voting procedures (which include the requirement to show current identification) remain the same as under current law. The exception is that applications for presidential ballots must be submitted to the registrars of voters, rather than the town clerk, in the town where the applicant is qualified to vote.

The bill also (1) eliminates the requirement for town clerks to mail duplicate copies of presidential ballot applications to the appropriate state or local official in the town where the applicant resides or formally resided, (2) eliminates a requirement for registrars to prepare a list of presidential voters whose names do not appear on the registry list, and (3) specifies when registrars must indicate in the margin of the voter registry list whether a voter is a presidential voter. Under the bill, the registrars must make the indication upon receipt of the presidential ballot.

The bill requires registrars of voters, instead of town clerks, to prepare, keep open to the public, and maintain a list of everyone who applies to vote as presidential or overseas electors. It requires town clerks to provide the registrars with the information regarding overseas electors (see below). By law, the list must (1) contain the voters' name, address, application date, and serial number of the

return envelope issued and (2) be maintained for 180 days after each election or primary.

OVERSEAS BALLOTS

By law, overseas electors may apply for an overseas ballot from their town clerk. These electors must certify that they (1) are qualified to vote for candidates for federal office and (2) will vote for the federal candidates only by overseas ballot. The bill eliminates a requirement for town clerks to keep the certification of overseas electors in their office before delivering them to registrars of voters.

It requires town clerks, instead of registrars of voters, to prepare a list, by voting district, of overseas electors whose names do not appear on the registry list. By law, this list accompanies the checkers list in use at the election.

COMMITTEE ACTION

Government Administration and Elections Committee

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Joint Favorable Substitute
Yea 11 Nay 3 (03/20/2009)
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Planning and Development Committee

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Joint Favorable
Yea 12 Nay 5 (04/20/2009)
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Appropriations Committee

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Joint Favorable
Yea 29 Nay 17 (05/18/2009)
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